

EXHIBIT 8

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 01/10

RECEIVED
CENTRAL FAX CENTER

JUL 11 2006

MOEHRLE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICETo: Mail Stop **Non-Fee Amendment**

From: Jonathan Feuchtwang

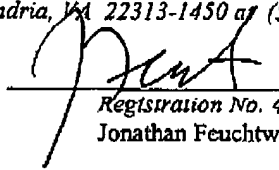
In Re U.S. Patent Application)	
)	
Applicant: Armin Moehrle)	Pages including this cover sheet: 10
)	
Serial No. 10/164,520)	
)	
Filed: June 6, 2002)	
)	
For: ACTIVE PATH MENU)	
NAVIGATION SYSTEM)	
)	
Art Unit: 2173)	
)	
Examiner: Namitha Pillai)	

Certificate of Facsimile Transmission

I hereby certify that the below listed documents are being sent via facsimile to Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450 at (571) 273-8300 on July 11, 2006.

July 11, 2006

Date


 Registration No. 41,017
 Jonathan Feuchtwang

Enclosures

- (1) Transmittal;
- (2) Amendment D; and
- (3) Certificate of Facsimile Transmission.

Jonathan Feuchtwang, Esq.

July 11, 2006

Customer No. 33525

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 02/10

RECEIVED
CENTRAL FAX CENTER

JUL 11 2006

PTO/SB/21 (08-04)

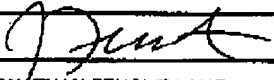
Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

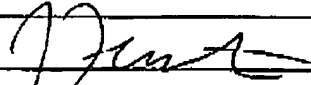
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/164,520
	Filing Date	June 6, 2002
	First Named Inventor	Armin Moehrle
	Art Unit	2173
	Examiner Name	PILLAI
	Attorney Docket Number	Moehrle-1
Total Number of Pages in This Submission		10

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below).
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	JONATHAN FEUCHTWANG		
Date	July 11, 2006	Reg. No.	41,017

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	JONATHAN FEUCHTWANG	Date	July 11, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 123 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 03/10

RECEIVED
CENTRAL FAX CENTER

JUL 11 2006

MOEHRLE

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re U.S. Patent Application)
 Applicant: Armin Moehrle)
 Serial No. 10/164,520)
 Filed: June 6, 2002)
 For: ACTIVE PATH MENU)
 NAVIGATION SYSTEM)
 Art Unit: 2173)
 Examiner: Namitha Pillai)

*I hereby certify that this paper is being transmitted via
 facsimile (571) 273-8300 to Mail Stop After Final
 Amendment, Commissioner for Patents, Post Office Box
 1450, Alexandria, VA 22313-1450 on this date.*

11 July 2006
 Date

[Signature]
 Registration No. 41,017
 Attorney for Applicant

AMENDMENT D

Mail Stop After Final Amendment
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the office action mailed May 3, 2006, please amend the Application as

follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.

BEST AVAILABLE COPY

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 04/10

Applicant: Armin Moehrle
Serial No. 10/164,520

Filed June 6, 2002

In the Claims:

Please amend the claims as shown:

1. (Currently Amended) A method for navigating within a multi-level hierarchical collapsing menu structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level, said method comprising the steps of:

providing a graphical user menu system displaying the items of a given level and enabling selection thereof, wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy; and

automatically constructing an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system without the need for any additional interaction with the graphical user system, with one said active link corresponding to each of the items selected, each said active link being independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said graphical user menu system; and

displaying the Active Path as an alternative to the graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system such that the Active Path is displayed after the

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 05/10

Applicant: Armin Moehrl
Serial No. 10/164,520

Filed June 6, 2002

multi-level hierarchical collapsing menu structure has collapsed;

wherein pre-selecting a given active link triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path.

2. (Previously Presented) The method for navigating according to claim 1, further comprising:

providing pre-defined short-cuts enabling direct access to a given menu item; and
automatically constructing the Active Path when a pre-defined short-cut is executed,
with one said active link corresponding to each of the menu items necessary to access said
given menu item using said graphical user menu system.

3. (Canceled)

4. (Original) The method for navigating according to claim 1, wherein selecting a given
active link triggers the execution of a function associated with said given active link.

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 06/10

Applicant: Armin Mochrle
Serial No. 10/164,520

Filed June 6, 2002

5. (Original) The method for navigating according to claim 1, wherein selecting a given active link triggers display of information associated with said given active link.

6. (Original) The method according to claim 1, wherein a user-defined short-cut is defined on-the-fly by storing a short-cut identifier and an associated plurality of active links in a look-up table.

7. (Currently Amended) The method for navigating according to claim 31, wherein pre-selecting a given ~~active-menu item~~ displayed while pre-selecting the given active link triggers the display of subordinate menu items.

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 07/10

**RECEIVED
CENTRAL FAX CENTER**Applicant: Armin Moehrle
Serial No. 10/164,520**JUL 11 2006**

Filed

June 6, 2002

REMARKS

Applicant has amended claim 1 to incorporate the features of claim 3, now canceled without prejudice. Claim 7 has been amended to depend from Claim 1 and to clarify features of the invention. Claims 1, 2, and 4-7 are now pending in the application.

Applicant appreciates the Examiner's acknowledgement that Claim 2 contains allowable subject matter.

Claims 1 and 3-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Guerrero (U.S. Patent No. 6,236,400). Applicant has amended Claim 1 to include the features of Claim 3, now canceled without prejudice, and respectfully traverses the rejection as follows.

Amended claim 1 recites a feature where pre-selecting ("browsing") a given Active Link in the Active Path triggers the display of items on the level associated with the given Active Link without disturbing the displayed Active Path. It should be appreciated that the action of pre-selecting an Active Link is distinguished from the action of selecting an Active Link. Selecting an Active Link has two immediate effects: 1) it causes the graphical user menu system to directly jump to and display the hierarchical level associated with the selected Active Link; and 2) it truncates the Active Path by removing all Active Links subsequent to the selected Active Link.

Applicant: Armin Moehrle
 Serial No. 10/164,520

Filed June 6, 2002

Guerrero fails to disclose or suggest the feature of pre-selecting or browsing an Active Link. Guerrero teaches a path list 504 (FIG. 5) and a choices list 506. The path list 504 displays the navigation path selected by the user. Entries in choices list 506 (e.g., entries 510A-510F) display the available selections to the user at a given level in the hierarchy. Path list 504 initially displays the root level of the file system hierarchy and choices list 506 displays the root level's children. To navigate through the hierarchy, the user selects an entry (e.g., entry 610F) in choices list 506, the selection is added to path list 504. If the selection has children, choices list 506 is updated to display the selection's children. If the selection is a leaf node, choices list 506 is removed and path list 504 is displayed in the vertical browser. By making a selection in path list 504, the user can traverse up the hierarchy to the level of the selection made in path list 504. The selection entries below the selected entry in path list 604 are removed from path list 604.

The office action asserts that Guerrero discloses the aforementioned features of Claim 3 which have been incorporated into Claim 1. The office action cites Guerrero col. 8, lines 7-11 in support of this assertion. The cited portion of Guerrero is as follows:

Further, in one or more embodiments of the invention, the user can return to any level of the hierarchy by selecting an entry in path list 504 with the pointer device's cursor. When an entry in path list 504 is selected, the entries positioned below the selected entry in path list 504 are removed. Choices list 506 is reset to the choices available at that navigational point. Guerrero col. 8, lines 7-11 (emphasis added by Applicant).

Applicant: Armin Moehrl
Serial No. 10/164,520

Filed June 6, 2002

The above-cited portion is inapposite because fails to disclose or suggest browsing an entry in the path list. Instead, the cited portion teaches selecting an entry in the path list which 1) causes the entries positioned below the selected entry in path list 504 to be removed, and updates the Choices list to the choices available at that navigational point. Accordingly, Guerrero's teachings are silent with respect to the feature of the claimed invention regarding pre-selecting or browsing an Active Link.

In support of the rejection of Claim 7, the office action cites Guerrero col. 7, lines 11-14. The cited portion of Guerrero is as follows:

In one embodiment of the invention, path list 504 initially displays the root level of the file system hierarchy and choices list 506 displays the root level's children. As a choice is selected from choices list 506, it is added to path list 504 and the children of the choice are displayed in choices list 506. FIGS. 6A-6D provide examples of a vertical browser according to an embodiment of the invention. Guerrero col. 7, lines 11-14.

The above-cited portion is inapposite because it fails to disclose or suggest the feature of claim 7 wherein pre-selecting a given menu item displayed while pre-selecting the given active link triggers the display of subordinate menu items. Instead, the cited portion teaches selecting an entry in the path list which 1) causes the entries positioned below the selected entry in path list 504 to be removed, and updates the Choices list to the choices available at that navigational point. Accordingly, Guerrero's teachings are silent with respect to the feature of the claimed invention regarding pre-selecting or browsing an Active Link (Claim

07/11/2006 09:51 3123722906

ZIMMER TECHNOLOGY

PAGE 10/10

Applicant: Armin Moehrle
Serial No. 10/164,520

Filed June 6, 2002

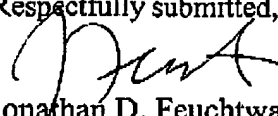
1) let alone pre-selecting one of the menu items displayed while pre-selecting the Active Link (Claim 7). For all of the above reasons, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claims 1 and 3-7.

It is believed that the above Remarks represent a complete response to the Office Action and that the Application is now in condition for allowance, and such favorable determination is requested.

If any questions regarding this Application should arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

By


Jonathan D. Feuchtwang, Esq.
Registration No. 41,017

July 11, 2006
Customer No. 33525